

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>MANKENGO VERON BALUTA,</b>	§	
<b>PLAINTIFF,</b>	§	
	§	
<b>V.</b>	§	<b>CASE NO. 3:19-CV-1156-K-BK</b>
	§	
<b>STAPLES FULFILLMENT CENTER,</b>	§	
<b>DEFENDANT.</b>	§	

**FINDINGS, CONCLUSIONS, AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**


On May 14, 2019, Plaintiff filed this action and paid the \$400.00 filing fee. Having paid the filing fee, Plaintiff is responsible to obtain a summons and effect service of process as required by Rule 4 of the Federal Rules of Civil Procedure. If a plaintiff does not serve a defendant within 90 days after the complaint is filed, the court must – after notice to the plaintiff – dismiss the action without prejudice against that defendant or order that service be made within a specified time. [FED. R. CIV. P. 4\(m\)](#).

Based on the file date, Plaintiff’s deadline to serve Defendant was Monday, August 12, 2019. On August 6, 2019, the Court preemptively advised Plaintiff that “service of process must be accomplished within 90 days of filing, unless good cause is shown, or this case may be dismissed” without prejudice under Rule 4(m). Doc. 12.

On September 19, 2019, summons issued pursuant to Plaintiff’s request, but as of the date of this recommendation, Plaintiff has not effectuated service of process or shown good cause for his failure to do so. Indeed, in the more than seven months that have passed since the issuance of summons, the docket indicates there has been no activity in this case.

Accordingly, this action should be **DISMISSED WITHOUT PREJUDICE**.

**IT IS SO RECOMMENDED** on April 30, 2020.



RENEE HARRIS TOLIVER  
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND  
NOTICE OF RIGHT TO APPEAL/OBJECT**

A copy of these findings, conclusions and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of these findings, conclusions and recommendation must file specific written objections within 14 days after being served with a copy. See [28 U.S.C. § 636\(b\)\(1\)](#); [FED. R. CIV. P. 72\(b\)](#). An objection must identify the finding or recommendation to which objection is made, the basis for the objection, and the place in the magistrate judge's findings, conclusions and recommendation the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. See [Douglass v. United Servs. Automobile Ass'n](#), 79 F.3d 1415, 1417 (5th Cir. 1996).